

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)	Chapter 11
)	
FRONTIER COMMUNICATIONS)	Case No. 20-22476 (RDD)
CORPORATION, <i>et al.</i> ¹)	
)	
Reorganized Debtors.)	(Jointly Administered)
)	

**PRE-TRIAL ORDER ESTABLISHING AN ADJUDICATION SCHEDULE,
DISCOVERY LIMITATIONS, AND EVIDENTIARY HEARING PROCEDURES
WITH RESPECT TO CLAIMS ASSERTED BY INTELLECTUAL VENTURES II LLC**

Upon the objection (the “Objection”)² of the above-captioned reorganized debtors (collectively, the “Reorganized Debtors”) seeking entry of an order disallowing each of the IV Claims and/or establishing an adjudication schedule related thereto, all as more fully set forth in the Objection; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b) and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012; and this Court having found that venue of in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Reorganized Debtors’ notice of the Objection was due and sufficient under the circumstances and that no other notice need be provided; and upon the *Response of Intellectual*

¹ Due to the large number of debtor entities in these chapter 11 cases, for which the Court has ordered joint administration, a complete list of the debtor entities and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <https://cases.primeclerk.com/ftr>. The location of the Reorganized Debtors’ service address for purposes of these chapter 11 cases is: 50 Main Street, Suite 1000, White Plains, New York 10606.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the *Reorganized Debtors’ Omnibus Objection to Claims Asserted by Intellectual Ventures II LLC* [Docket No. 2017] (the “Objection”).

Ventures II LLC to the Reorganized Debtors' Omnibus Objection to Claims Asserted by Intellectual Ventures II LLC with exhibits thereto [Docket No. 2029] and the *Reorganized Debtors' Reply to the Response of Intellectual Ventures II LLC to the Reorganized Debtors' Omnibus Objection to Claims Asserted by Intellectual Ventures II LLC* [Docket No. 2031]; and this Court having held an initial hearing in the nature of a scheduling conference (the "Hearing"), having been informed that the parties have agreed to the form of this Order, and having determined that there is just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The IV Claims, which are identified on Schedule 1 to this Order, and the Reorganized Debtors' objection thereto, shall be adjudicated with respect to the issue of damages according to the schedule, discovery limitations, and evidentiary hearing procedures attached hereto as Schedule 2 (the "Adjudication Schedule"), subject to modification by the this Court or by agreement of the parties and consent of the Court. The Reorganized Debtors' objections to liability, as set forth in the Objection, shall be adjudicated (if necessary) on a schedule to be determined.

2. Nothing in this Order shall be deemed or construed as: (a) an admission as to the validity of any particular claim against a Reorganized Debtor entity, (b) a waiver of the Reorganized Debtors' or IV's rights to dispute any particular claim or defense on any grounds whatsoever, (c) a promise or requirement to pay any particular claim, (d) an implication or admission that any particular claim is of a type specified or defined in the Objection or any order granting the relief requested by this Order as related to the Objection, (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to section 365 of the Bankruptcy

Code, or (f) a waiver or limitation of the Reorganized Debtors' rights or IV's rights under the Bankruptcy Code or any other applicable law.

3. Notice of the Objection, as provided therein, shall be deemed good and sufficient notice of the Objection, and the requirements set forth in rule 9013-1(b) of the Local Rules for the United States Bankruptcy Court for the Southern District of New York are satisfied.

4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

5. Notwithstanding the relief granted in this Order, nothing in this Order shall alter any party's rights to advance any argument or defense before this Court in relation to any of the IV Claims, and all such arguments are expressly preserved.

White Plains, New York
Dated: November 29, 2021

/s/Robert D. Drain

THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE

Schedule 1

(IV Claims)

IV GUC Claims

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
1	Intellectual Ventures II LLC	2365	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
2	Intellectual Ventures II LLC	2366	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
3	Intellectual Ventures II LLC	2367	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
4	Intellectual Ventures II LLC	2371	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
5	Intellectual Ventures II LLC	2401	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
6	Intellectual Ventures II LLC	2407	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
7	Intellectual Ventures II LLC	2415	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
8	Intellectual Ventures II LLC	2433	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
9	Intellectual Ventures II LLC	2453	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
10	Intellectual Ventures II LLC	2461	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
11	Intellectual Ventures II LLC	2469	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
12	Intellectual Ventures II LLC	2472	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
13	Intellectual Ventures II LLC	2513	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
14	Intellectual Ventures II LLC	2514	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
15	Intellectual Ventures II LLC	2519	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
16	Intellectual Ventures II LLC	2521	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
17	Intellectual Ventures II LLC	2526	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
18	Intellectual Ventures II LLC	2529	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
19	Intellectual Ventures II LLC	2532	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
20	Intellectual Ventures II LLC	2535	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
21	Intellectual Ventures II LLC	2536	Aug. , 2020	Together, with all other IV GUC Claims: \$9,396,000
22	Intellectual Ventures II LLC	2538	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
23	Intellectual Ventures II LLC	2539	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
24	Intellectual Ventures II LLC	2540	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
25	Intellectual Ventures II LLC	2541	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
26	Intellectual Ventures II LLC	2542	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
27	Intellectual Ventures II LLC	2543	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
28	Intellectual Ventures II LLC	2544	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
29	Intellectual Ventures II LLC	2545	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
30	Intellectual Ventures II LLC	2547	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
31	Intellectual Ventures II LLC	2548	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
32	Intellectual Ventures II LLC	2549	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
33	Intellectual Ventures II LLC	2551	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
34	Intellectual Ventures II LLC	2552	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
35	Intellectual Ventures II LLC	2553	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
36	Intellectual Ventures II LLC	2554	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
37	Intellectual Ventures II LLC	2555	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
38	Intellectual Ventures II LLC	2556	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
39	Intellectual Ventures II LLC	2557	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
40	Intellectual Ventures II LLC	2558	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
41	Intellectual Ventures II LLC	2559	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
42	Intellectual Ventures II LLC	2562	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
43	Intellectual Ventures II LLC	2563	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
44	Intellectual Ventures II LLC	2564	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
45	Intellectual Ventures II LLC	2566	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
46	Intellectual Ventures II LLC	2567	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
47	Intellectual Ventures II LLC	2568	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
48	Intellectual Ventures II LLC	2570	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
49	Intellectual Ventures II LLC	2571	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
50	Intellectual Ventures II LLC	2572	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
51	Intellectual Ventures II LLC	2574	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
52	Intellectual Ventures II LLC	2575	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
53	Intellectual Ventures II LLC	2577	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
54	Intellectual Ventures II LLC	2579	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
55	Intellectual Ventures II LLC	2580	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
56	Intellectual Ventures II LLC	2581	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
57	Intellectual Ventures II LLC	2582	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
58	Intellectual Ventures II LLC	2583	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
59	Intellectual Ventures II LLC	2584	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
60	Intellectual Ventures II LLC	2585	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
61	Intellectual Ventures II LLC	2586	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
62	Intellectual Ventures II LLC	2587	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
63	Intellectual Ventures II LLC	2588	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
64	Intellectual Ventures II LLC	2589	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
65	Intellectual Ventures II LLC	2590	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
66	Intellectual Ventures II LLC	2591	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
67	Intellectual Ventures II LLC	2592	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
68	Intellectual Ventures II LLC	2593	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
69	Intellectual Ventures II LLC	2594	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
70	Intellectual Ventures II LLC	2597	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
71	Intellectual Ventures II LLC	2598	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
72	Intellectual Ventures II LLC	2599	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
73	Intellectual Ventures II LLC	2600	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
74	Intellectual Ventures II LLC	2601	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
75	Intellectual Ventures II LLC	2602	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
76	Intellectual Ventures II LLC	2603	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
77	Intellectual Ventures II LLC	2606	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
78	Intellectual Ventures II LLC	2607	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
79	Intellectual Ventures II LLC	2608	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
80	Intellectual Ventures II LLC	2609	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
81	Intellectual Ventures II LLC	2610	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
82	Intellectual Ventures II LLC	2611	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
83	Intellectual Ventures II LLC	2612	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
84	Intellectual Ventures II LLC	2615	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
85	Intellectual Ventures II LLC	2616	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
86	Intellectual Ventures II LLC	2617	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
87	Intellectual Ventures II LLC	2618	Aug. 18, 2020	Together, with all other IV GUC Claims: \$9,396,000
88	Intellectual Ventures II LLC	2619	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
89	Intellectual Ventures II LLC	2621	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
90	Intellectual Ventures II LLC	2622	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
91	Intellectual Ventures II LLC	2624	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
92	Intellectual Ventures II LLC	2625	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
93	Intellectual Ventures II LLC	2626	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
94	Intellectual Ventures II LLC	2627	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
95	Intellectual Ventures II LLC	2628	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
96	Intellectual Ventures II LLC	2630	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
97	Intellectual Ventures II LLC	2631	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
98	Intellectual Ventures II LLC	2632	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
99	Intellectual Ventures II LLC	2633	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
100	Intellectual Ventures II LLC	2634	Aug. 19, 2020	Together, with all other IV GUC Claims: \$9,396,000
101	Intellectual Ventures II LLC	2671	Aug. 25, 2020	Together, with all other IV GUC Claims: \$9,396,000

IV Administrative Claims

	Claimant	Claim #	Date Filed	Asserted Unsecured Claim Amount
1	Intellectual Ventures II LLC	<i>Request for Payment of Administrative Expense for Post-Petition Infringement of Patents Held by Intellectual Ventures II LLC [Docket No. 1880]</i>	June 1, 2021	\$1,699,102

Schedule 2

**(Adjudication Schedule,
Discovery Limitations, and Evidentiary Hearing Procedures)**

Adjudication Schedule

Date	Event
Nov. 22, 2021	Parties to make initial disclosures of persons likely to have discoverable information, substantially per Fed. R. Civ. P. 26(a)(1)
Nov. 22, 2021	IV to serve infringement contentions for each asserted claim of each Asserted Patent, substantially as asserted in prior litigation plus a stipulation or new charts as to the '275 patent.
Dec. 15, 2022	Mutual disclosure of fact witnesses to provide testimony at trial (with a maximum of 3 fact witnesses per side).
Jan. 15, 2022	Parties shall substantially complete all document production in response to document requests.
Feb. 14, 2022	The parties shall complete all fact discovery, including all fact depositions of any third parties.
Feb. 28, 2022	IV opening damages expert report per Fed.R.Civ.P. 26
Mar. 20, 2022	Frontier responsive damages expert report per Fed.R.Civ.P. 26
April 6, 2022	Completion of expert discovery/depositions of IV expert(s)
April 15, 2022	Completion of expert discovery/depositions of Frontier expert(s)
April 22, 2022	Parties to each file and email to Chambers written technology tutorials, which shall not exceed 15 pages.
April 29, 2022	Parties to file pretrial briefs, which shall not exceed 25 pages.
May 5, 2022	Parties to exchange and submit to Chambers all written direct examinations.
May 10-11, 2022	Evidentiary hearing on the IV Claims.

Discovery Limitations

- (a) Unless otherwise stated herein or elsewhere by the Court (e.g. incorporating Fed. R. Civ. P. 26 per above), the Federal Rules of Civil Procedure as incorporated by the Federal Rules of Bankruptcy Procedure shall govern discovery.
- (b) Unless otherwise agreed by the parties in writing, discovery responses shall be due 14 days after service.
- (c) Any deposition notice propounded pursuant to Fed. R. Civ. P. 30(b)(6) shall be limited to 5 categories with no subparts.
- (d) For each side, there is a maximum of 5 requests for admission, 10 requests for production of documents, and 8 interrogatories.
- (e) Documents shall be produced, when not in native format, as single-page TIFFs with standard load file and reasonably available metadata, the parties to work in good faith to resolve any disagreements as to relevant metadata fields.

Evidentiary Hearing Procedures

- (f) Direct examinations of witnesses (including expert witnesses) that are within the parties' control shall be submitted to the Bankruptcy Court in writing in accordance with the Court's Chambers Rules; cross-examination and re-direct shall be conducted live.
- (g) The parties shall in good faith agree on the admissibility of their proposed exhibits and submit a compendium of agreed admissible exhibits to Chambers one week before the evidentiary hearing. Exhibits whose admissibility is not agreed and rebuttal exhibits shall be provided to Chambers in separate compendiums one week before the evidentiary hearing.